



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

AUG 01 2013

REPLY TO THE ATTENTION OF:
S-6J

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Ryan Hoyler
EHSS & Regulatory Affairs Paralegal
Facility Security Officer (Middlebury, CT)
Chemtura Corporation
199 Benson Road
Middlebury, Connecticut 06749

Re: Freedom of Information Act
FOI Number: EPA-R5-2013-006435
Site: Pioneer Asphalt
802 Ash Street,
Lawrenceville, Illinois 62439

Dear Mr. Hoyler:

This letter serves as the Superfund Division's final response to your Freedom of Information Act (FOIA) request dated May 14, 2013. This request has been designated as a multi-program Combined Billing request.

You requested that the U.S. Environmental Protection Agency provide you with information regarding the alleged discovery of unlabeled drums located at the Pioneer Asphalt Site (Site) sometime prior to July 2010, among other things, which ultimately led to the July 2010, decision to seal the facility. The scope of your request also included communications between the Illinois Environmental Protection Agency (IEPA) and EPA regarding the Site; known contamination at the Site; hazardous waste manifests; permit applications, expirations and/or renewals; RCRA cleanup orders and/or violations, sampling, environmental reports, spill reports, and any history of the Site including operations and on-Site use of hazardous wastes by any owner from 1985 to the present.

EPA's response to your request was due on June 13, 2013 and the Superfund Division provided you with information responsive to your request on that same date. See Enclosure A for a description of the information that was released to you earlier.

On or about June 17, 2013, in a telephone conversation with Frederick D. Gage, you clarified that Chemtura was requesting a copy of the un-redacted Action Memorandum for the Pioneer Asphalt Company Site. EPA's response is due on or before August 16, 2013.

Enclosed you will find a copy of the redacted Action Memorandum for the Pioneer Asphalt Company site in response to your request. We are unable to provide you with an un-redacted version of the Action Memorandum for the Pioneer Asphalt Site, however, because we have determined that a portion of the document is exempt from mandatory disclosure under Exemptions 5 and 7(A) of FOIA, 5 U.S.C. § 552(b)(5) and (7)(A). Exemption 5, 5 U.S.C. § 552(b)(5), protects inter- or intra-agency documents that would not be available by law to a party in litigation with the agency. This includes the attorney/client, attorney work product and deliberative process privileges recognized under common law. Exemption 7(A), 5 U.S.C. § 552(b)(7)(A), authorizes EPA to withhold records and information compiled for law enforcement purposes if producing such law enforcement information or records "could reasonably be expected to interfere with enforcement proceedings."

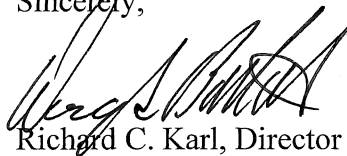
A description of the withheld material, along with the basis for withholding and an estimate of the volume of withheld materials is provided in Enclosure B to this letter.

The nature of your request indicates documents may be available from two or more Offices and/or Divisions within Region 5. Upon completion of the response by each Office and/or Division involved in processing your request you will receive a Final Disposition notice from the Region 5 FOIA Office. Under separate cover, EPA will send you a bill of collection for the costs incurred in responding to your request for information.

You may appeal this response to the National Freedom of Information Officer, U.S. EPA, FOIA and Privacy Branch, 1200 Pennsylvania Avenue, N.W. (2822T), Washington, DC 20460 (U.S. Postal Service Only), FAX: (202) 566-2147, E-mail: hq.foia@epa.gov. Only items mailed through the United States Postal Service may be delivered to 1200 Pennsylvania Avenue, NW. If you are submitting your appeal via hand delivery, courier service or overnight delivery, you must address your correspondence to 1301 Constitution Avenue, N.W., Room 6416J, Washington, DC 20004. Your appeal must be made in writing, and it must be submitted no later than 30 calendar days from the date of this letter. The Agency will not consider appeals received after the 30 calendar day limit. The appeal letter should include the request number EPA-R5-2013-006435. For quickest possible handling, the appeal letter and its envelope should be marked "Freedom of Information Act Appeal."

Should you have any questions concerning this response, please contact Fredrick D. Gage at (312) 353-3167. All other concerns should be directed to Evette Jones, Chief, Enforcement Services Section #3 at (312) 886-7572.




















Sincerely,









Richard C. Karl, Director
for Superfund Division

Enclosures

**DOCUMENTS RELEASED TO THE REQUESTOR
PIONEER ASPHALT COMPANY
802 ASH STREET
LAWRENCEVILLE, ILLINOIS 62439**

05	<u>452326</u>		03- 28- 2013	GENERAL NOTICE LETTER - CHEVRON CORP	 7
05	<u>902180</u>			LETTER RE: IL EPA IDENTIFIES STATE ARARS FOR THE PIONEER ASPHALT COMPANY	 3
05	<u>902182</u>		09- 01- 2003	RAW MATERIALS LIST FOR MAY 1996 AND SEPTEMBER 2003 - PIONEER ASPHALT SITE	 4
05	<u>902183</u>		07- 01- 2010	NEW RELEASE: "ILLINOIS EPA SEALS PIONEER ASPHALT LAWRENCEVILLE AND REFERS SITE TO ATTORNEY GENERAL FOR ENFORCEMENT, AGENCY ALLEGES SERIOUS SOIL AND WATER POLLUTION, RESTRICTS ACCESS"	 1
05	<u>902184</u>		07- 23- 2010	ASBESTOS SAMPLING RESULTS FROM SAMPLES TAKEN ON JULY 20, 2010 AT THE PIONEER ASPHALT SITE	 2
05	<u>902185</u>		07- 28- 2010	LETTER RE: TRANSMITTAL OF ATTACHED ANALYTICAL RESULTS FOR 1 SAMPLE FOR THE JULY 21, 2010 REFERENCED PROJECT	 5
05	<u>902186</u>		08- 12- 2010	LETTER RE: TRANSMITTAL OF ATTACHED ANALYTICAL REPORT FOR 12 SAMPLES RECEIVED ON JULY 21, 2010	 13
05	<u>902187</u>		08- 19- 2010	MEMORANDUM RE: RECONNAISSANCE AND SAMPLING ACTIVITIES CONDUCTED AT THE PIONEER ASPHALT SITE ON JULY 19-20, 2010	 1
05	<u>902188</u>		08- 26- 2010	LETTER RE: IL EPA REQUEST THAT U.S. EPA ASSIGN AN OSC AND CONSIDER CONDUCTING A TIME-CRTICAL REMOVAL ACTION AT THE PIONEER ASPHALT COMPANY SITE	 2
05	<u>902189</u>		10- 06-	ASPHALT COMPANY SITE ASBESTOS SAMPLING REPORT FOR THE FORMER PIONEER ASPHALT CORPORATION FACILITY	 21

05	<u>902190</u>		10- 08- 2010	TITLE SEARCH REPORT FOR PIONEER ASPHALT SITE	 13
05	<u>902191</u>		11- 10- 2011	GENERAL NOTICE LETTER AND REQUEST FOR INFORMATION (104E) - ZIEGLER CHEMICAL & MINERAL CORP	 4
05	<u>902192</u>		12- 13- 2010	LETTER RE: RESPONSE OF PIONEER ASPHALT COPR. AND ZIEGLER CHEMICAL & MINERAL CORP. TO U.S. EPA 104E LETTER DATED 11/10/2011	

Enclosure A-b

**REDACTED DOCUMENTS RELEASED TO THE REQUESTOR
PIONEER ASPHALT COMPANY
802 ASH STREET
LAWRENCEVILLE, ILLINOIS 62439**

The following document listed below will be up-loaded to our FOIA On-Line System.

05 437327



03-
27-
2013

**ENFORCEMENT ACTION MEMORANDUM RE:
DETERMINATION OF AN IMMINENT AND
SUBSTANTIAL THREAT TO PUBLIC HEALTH AND OR
THE ENVIRONMENT AT THE PIONEER ASPHALT SITE
(REDACTED VERSION)**



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Enclosure B

**DOCUMENT(S) WITHHELD
PIONEER ASPHALT COMPANY
802 ASH STREET
LAWRENCEVILLE, ILLINOIS 62439**

[illegible]